

HON'BLE SRI JUSTICE P.S. NARAYANA

Writ Petition No.19507 of 2006

Date: 5th January, 2007

Between :-

B.I.Raj Kumar

..

Petitioner

And

The Government of Andhra Pradesh

Rep. by its Principal Secretary

Municipal Administration & Urban Development

Secretariat building, Hyderabad

And 2 others

..Respondents

HON'BLE SRI JUSTICE P.S. NARAYANA

Writ Petition No.19507 of 2006

ORDER:-

Heard both the Counsel.

2. The Writ Petition is filed for a Writ of Mandamus declaring the action of the 2nd respondent in not granting permission in favour of the petitioner for construction of House in his plot No.12 in Survey No.218/1, situated at Defence Colony, Malkajgiri Municipality, Ranga Reddy District as illegal, arbitrary and consequently direct the respondent No.2 herein to grant permission in favour of the petitioner for construction of house on his plot No.12 basing upon the application made by the petitioner dated 2-2-2006 forthwith and pass such other suitable orders.

3. It is stated that the petitioner purchased plot No.12 in Survey No.218/1, situated at Defence Colony, Malkajgiri Municipality, Ranga Reddy District on 28-9-1983 vide document No.2998/1983 registered in the Office of Sub-registrar, Vallabnagar, Ranga Reddy District and thereafter the petitioner submitted his application dated 2-2-2006 to the 2nd respondent – Municipality praying for permission to construct residential building and the 2nd respondent Municipality issued endorsement dt.10-2-

2006 stating that there is a boundary dispute between 2nd respondent and 3rd respondent in the Defence Cooperative Housing Society Land in Sy.No.281/1 in which plot No.12 is one among such plots.

4. It is brought to the notice of this Court that similar Writ Petition W.P.No.23194/2006 had been disposed of. A request is made that the present Writ Petition also can be disposed of on similar lines. In view of the facts and circumstances explained in detail, inasmuch as it is the bounden duty of the 2nd respondent to dispose of the application of the petitioner dated 2-2-2006 praying for grant of permission to construct residential building in plot No.12 in Survey No.218/1, situated at Defence Colony, Malkajgiri Municipality, Ranga Reddy District, in accordance with law. Keeping the said application pending for sufficiently a long time is definitely unjust. In view of the same, the 2nd respondent is directed to consider and dispose of the application dated 2-2-2006 submitted by the petitioner for grant of permission for construction of residential building in plot No.12 in Survey No.218/1, situated at Defence Colony, Malkajgiri Municipality, Ranga Reddy District, in accordance with law within a period of four weeks from the date of receipt of this order.

4. The Writ Petition is allowed to the extent indicated above. No order as to costs.

Justice P.S.Narayana

5th January, 2007

smr